THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.4725 of 2005

Dated: 27.11.2007

Between:

G. Satyanarayana.

..Petitioner.

and

The State of Andhra Pradesh, rep. by its Secretary to Government, Higher Education Department, Secretariat, Hyderabad and others.

..Respondents.

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.4725 of 2005

ORDER:

This writ petition is filed seeking a Mandamus declaring the proceedings in Rc.No.1420/Admn.IV-2/2004, dated.20.12.2004, issued by the second respondent, as illegal and arbitrary and consequently to direct the respondents to regularize the services of the petitioner from the date of his *ad hoc* appointment with all other consequential benefits.

According to the petitioner, he was appointed as Attender on *ad hoc*/daily wage basis in the third respondent-College on 01.09.1989. While so, the third respondent-College recommended the case of the petitioner for regularization of his services against an aided vacancy for the post of Attender. The said proposal was rejected by the Director of Collegiate Education, Andhra Pradesh, Hyderabad, vide proceedings, dated 20.12.2004 on two grounds; one is that the procedure of reservation and drawing candidates from employment exchange is not followed in this case; and secondly, he is also not eligible for regularization under G.O.Ms.No.212, Finance and Planning Department, dated 22.04.1994, as he was appointed on ad hoc basis and not as Daily Wage/NMR.

The respondents filed detailed counter-affidavit denying the

allegations made in the affidavit. Learned counsel for the respondents contended that G.O.Ms.No.212, dated 22.04.1994 is not applicable to the case of the petitioner, and unless and until the rule of reservation is followed, these posts cannot be filled up and apart from that the petitioner was appointed only on ad hoc basis, that too without prior approval of the competent authority in the college and therefore, the impugned order passed against the petitioner cannot be said to be either arbitrary or illegal.

Learned counsel for the petitioner strenuously contended that the grounds mentioned in the impugned proceedings for rejecting the case of the petitioner are arbitrary and illegal. He contended that the procedure of reservation and drawing candidates from employment exchange is not applicable to the aided colleges and also for the purpose of regularization of Daily Wage workers. He further contended that G.O.Ms.No.212, dated 22.04.1994 is applicable to daily wage/NMRs and therefore, rejection of the case of the petitioner on that ground is also untenable.

I have given my earnest attention to the respective submissions made on either side and perused the impugned order and other material available on record.

The fact that the petitioner is working as Attender on *ad hoc* basis since 1989 is not in dispute. It is also not in dispute that there are some aided vacancies in the third respondent-college. However, it appears, the petitioner was appointed on *ad hoc* basis, that too, without prior approval of the competent authority. Therefore, the recommendation sent by the third respondent for regularization of the services of the petitioner, as per G.O.Ms.No.212, dated 22.04.1994, was rejected; firstly, on the ground that reservation was not followed in filling up the post of

Attender as well as the very G.O., is not applicable to the case of the petitioner since he was not appointed on daily wage/NMR. Hence, I am of the opinion that the respondents have not committed any error in coming to the conclusion that firstly the reservation was not followed and secondly G.O.Ms.No.212 dated 22.04.1994 is not applicable. For application of G.O.Ms.No.212 dated 22.04.1994, the petitioner should have been appointed on daily wage/NMR against an aided vacancy. The petitioner having appointed on *ad hoc* basis, against a vacancy, which is not approved either in the unaided section or in the aided section, cannot insist upon the applicability of G.O.Ms.No.212 dated 22.04.1994.

Under those circumstances, I am of the opinion that the impugned order passed by the respondents cannot be said to be either arbitrary or illegal.

Therefore, the writ petition is devoid of merits and it is accordingly dismissed. However, if any new proposals are sent by the third respondent, after meeting the requirements of the competent authority, it is always open for the competent authority to decide the same and pass appropriate orders in accordance with law. No costs.

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C.V.RAMULU, J

Dated: 27.11.2007.

sj